

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)
)
)
) CAUSE NO. 3:87-CR-17(01)RM
vs.)
)
MARK SCHMANKE)

OPINION and ORDER

On June 14, 2005, Mark Schmanke's motion for reduction of sentence and motion for release from custody were denied. Mr. Schmanke has filed an appeal of that order and is now before the court asking that he be permitted to proceed *in forma pauperis* on his appeal. Mr. Schmanke represents that he is unable to pay the filing fee.

Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be permitted to proceed on appeal *in forma pauperis* unless the court "certifies that the appeal is not taken in good faith." In other words, the court must determine "that a reasonable person could suppose that the appeal has some merit." Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000). Because no reasonable person could find that Mr. Schmanke's appeal has any merit, the court concludes that his appeal is not taken in good faith, and his request for pauper status must be denied.

Accordingly, Mr. Schmanke's motion for leave to proceed *in forma pauperis* on appeal [docket # 172] is DENIED.

SO ORDERED.

ENTERED: September 2, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

cc: M. Schmanke
K. Conner
United States Attorney